

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CORDELL W. PARRACK,

Petitioner,

v.

CIVIL ACTION NO. 5:06-cv-00606

THOMAS MCBRIDE,

Respondent.

JUDGMENT ORDER

Petitioner *pro se* Cordell W. Parrack, (“Petitioner”) brings this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 4, 2006 this Court referred petitioner’s habeas application [Docket No. 1] and his motion to proceed without payment of fees [Docket No. 3] to Magistrate Judge Mary E. Stanley for proposed findings of fact and a recommendation (“PF&R”). [Docket No. 4]. On August 17, 2006, Judge Stanley issued a PF&R recommending the dismissal of petitioner’s application with prejudice [Docket No. 6] because his application was both time-barred under 28 U.S.C. § 2244(d)(1)(A) and unauthorized under 28 U.S.C. § 2244(b)(3)(A) as a successive habeas petition. The Court adopts Judge Stanley’s recommendation.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner’s right to appeal this Court’s Order. Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Stanley’s PF&R

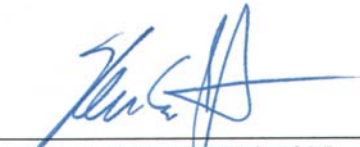
were due by September 1, 2006, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Accordingly, the Court hereby (1) **DENIES** petitioner's motion to proceed without payment of fees [Docket No. 3]; (2) **DISMISSES** petitioner's application [Docket No. 1] with prejudice; and (3) **DIRECTS** the Clerk to remove this action from the Court's active docket.

The Clerk is further directed to provide a copy of this Order to all counsel of record, the petitioner, *pro se*, and Magistrate Judge Stanley.

IT IS SO ORDERED.

ENTER: November 6, 2006



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE